

ACTION BY: Regional Directors
Special Nutrition Programs

SOURCE CITATION: Section 225.2 ("Sponsor" and "Unit of local, municipal, county or State government")

Eligibility of Indian Tribal Groups as
Sponsors in the Summer Food Service Program (SFSP)

This Instruction sets forth the policy governing the eligibility of Indian tribal groups to participate in the SFSP. Indian tribal groups may be eligible to participate as sponsors if they meet the standards set forth in the regulatory definition of "Unit of local, municipal, county or State government." Since the definition requires State recognition and State laws differ significantly with regard to the status of Indian tribal groups, it is important that determinations of eligibility be made on a State-by-State, and further, case-by-case basis.

In addition to the above, the following list itemizes forms of State law which may recognize the rights of Indians for the purpose of determining Program eligibility:

- (1) laws which recognize Indian rights to eminent domain in the State;
- (2) fish and game and hunting laws; and
- (3) corporate law.

Public Law 83-280 ("An Act to Confer Jurisdiction...with Respect to Criminal and Civil Offenses...on Indian Reservations," August 15, 1953; 18 U.S.C. 1162 and 28 U.S.C. 1360) is a statute which may also impact on the determination of eligibility for an Indian group. This statute essentially allows a State to choose to accept criminal and civil jurisdiction over Indian tribes. If necessary, we will assist the regional offices in identifying the Public Law 83-280 status of Indian tribes on a case-by-case basis to aid in the determination of eligibility. If there is any question regarding the status of a particular Indian group, the administering agency may wish to seek the counsel of the State attorney general.

DISTRIBUTION: 5,6,11,14	MANUAL MAINTENANCE INSTRUCTIONS: Remove FNS Instruction 776-5 from Manual. Insert this Instruction.	RESPONSIBLE FOR PREPARATION AND MAINTENANCE: CND-100	Page 1 1-5-87
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Please keep in mind that certain Indian organizations, such as private, nonprofit Indian organizations, may no longer be eligible to sponsor the Program. Such an organization itself is not the tribe and would not be recognized by the State as a unit of government. In no way is this policy or the regulation intended to permit private, nonprofit entities, other than schools or residential camps, to qualify as sponsors in the Program.

A handwritten signature in black ink, appearing to read "Samuel P. Bauer". The signature is fluid and cursive, with a large initial "S" and "P".

SAMUEL P. BAUER
Director
Child Nutrition Division